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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT TACOMA**

11 **STEPHANIE WILSON,**) Case No.
12)
13 Plaintiff,) **COMPLAINT FOR VIOLATION**
14) **OF FEDERAL FAIR DEBT**
15) **COLLECTION PRACTICES ACT**
16)
17 **LTD FINANCIAL SERVICES, LP,**)
18)
19 Defendant.)
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18 **NATURE OF ACTION**

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20 1. This is an action brought under the Fair Debt Collection Practices
21 Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*, and the Telephone Consumer
22 Protection Act ("TCPA"), 47 U.S.C. § 227.
23

24 **JURISDICTION AND VENUE**

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26 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d), 47 U.S.C. §
27 227(b)(3), 28 U.S.C. § 1331, and 28 U.S.C. § 1367(a).

28 COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-1

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1 3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b),
2
3 where the acts and transactions giving rise to Plaintiff's action occurred in this
4 State and this district, where Plaintiff resides in this State and this district, and
5 where Defendant transacts business in this State and this district.
6

7 **PARTIES**

8 4. Plaintiff, Stephanie Wilson ("Plaintiff"), is a natural person who at
9 all relevant times resided in the State of Washington, County of Clallam, and City
10 of Port Angeles.
11

12 5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).
13

14 6. Defendant, Ltd Financial Services, LP ("Defendant") is an entity
15 who at all relevant times was engaged, by use of the mails and telephone, in the
16 business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C.
17 §1692a(5).
18

19 7. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).
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21 **FACTUAL ALLEGATIONS**

22 8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a
23 debt owed or due, or asserted to be owed or due a creditor other than Defendant.
24

25 9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted
26 to be owed or due a creditor other than Defendant, arises from a transaction in
27

1 which the money, property, insurance, or services that are the subject of the
2 transaction were incurred primarily for personal, family, or household purposes.
3

4 10. Defendant uses instrumentalities of interstate commerce or the mails
5 in a business the principal purpose of which is the collection of any debts, and/or
6 regularly collects or attempts to collect, directly or indirectly, debts owed or due,
7 or asserted to be owed or due another.
8

9 11. Within one (1) year preceding the date of this Complaint, Defendant
10 made and/or placed a telephone call to Plaintiff's cellular telephone number, in
11 effort to collect from Plaintiff an obligation, or alleged obligation, owed or due,
12 or asserted to be owed or due a creditor other than Defendant.
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15 12. Within one (1) year preceding the date of this Complaint, Defendant
16 willfully and knowingly utilized an automatic telephone dialing system to make
17 and/or place a telephone call to Plaintiff's cellular telephone number, in effort to
18 collect from Plaintiff an obligation, or alleged obligation, owed or due, or asserted
19 to be owed or due a creditor other than Defendant.
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22 13. Defendant, via its agent or employee Keith Cook, has placed several
23 calls to Plaintiff's cellular telephone with the intent to harass, annoy, or abuse
24 Plaintiff.
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1 14. During one of these phone calls on August 31, 2010 Plaintiff
2 requested that Defendant no longer contact her via telephone. Defendant falsely
3 represented that it did not have to cease telephonic communication with Plaintiff
4 until it received notice in writing to cease and desist.
5

6 15. Furthermore, Defendant falsely represented that it could call Plaintiff
7 on a daily basis simply because Plaintiff had returned Defendant's phone call. (15
8 U.S.C. §§ 1692d(5), 1692e(10)).
9
10

11 16. Defendant repeatedly demanded payment from Plaintiff during the
12 during the thirty-day dispute period following Plaintiff's receipt of Defendant's
13 initial communication dated July 31, 2010, conduct that was inconsistent with,
14 and overshadowed, the disclosures required by 15 USC § 1692g(a). (15 U.S.C. §
15 1692g(b)).
16
17

18 17. Defendant placed multiple non-emergency calls to Plaintiff's cellular
19 telephone, without the prior express consent of Plaintiff, using an automatic
20 telephone dialing system including but not limited to calls on August 2, 2010 @
21 12:10 P.M., August 10, 2010 @ 10:35 A.M., and August 31, 2010 @ 11:21 A.M.
22 (47 U.S.C. 227(b)(1)(A)(iii)).
23
24

25 18. Defendant's actions constitute conduct highly offensive to a
26 reasonable person.
27

COUNT I

19. Plaintiff repeats and re-alleges each and every allegation contained above.

20. Defendant violated the FDCPA as detailed above.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

COUNT II

21. Plaintiff repeats and re-alleges each and every allegation contained above.

1 22. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and
2 knowingly utilizing an automatic telephone dialing system to make and/or place a
3 telephone call to Plaintiff's cellular telephone number.
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5 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
6

- 7 a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
8 b) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. §
9 227(b)(3)(B), in the amount of \$500.00 per violation;
10 c) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. §
11 227(b)(3)(C), in the amount of \$1,500.00 per violation;
12 d) Awarding Plaintiff actual damages, pursuant to 47 U.S.C. §
13 227(b)(3)(B);
14 e) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
15 this action;
16 f) Awarding Plaintiff any pre-judgment and post-judgment interest as
17 may be allowed under the law.
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TRIAL BY JURY

Plaintiff is entitled to and hereby demands a trial by jury.

Respectfully submitted this 10th day of November, 2010.

s/Jon N. Robbins

Jon N. Robbins

WEISBERG & MEYERS, LLC

Attorney for Plaintiff